

# **Exhibit 5**

## **Declaration of Margaret Finn**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY  
CAMDEN VICINAGE**

IN RE: VALSARTAN, LOSARTAN, AND  
IRBESARTAN PRODUCTS LIABILITY  
LITIGATION

Hon. Robert. B. Kugler

This Document Relates To:

Civ. No. 19-2875 (RBK/JS)

*All Actions*

**DECLARATION OF MARGARET FINN**

I, Margaret Finn, pursuant to 28 U.S.C. § 1746, declare as follows, upon information and belief:

1. I am the Vice President of Enterprise Pharmacy Solutions at EmblemHealth (“Emblem”), which is one of Plaintiff MSP Recovery Claims, Series LLC’s assignors in the above-captioned matter and is the parent company of another of MSP Recovery Claims Series’ assignors, ConnectiCare Inc. (“ConnectiCare”). I submit this declaration in support of Plaintiffs’ Motion for Class Certification. I have personal knowledge of the facts set forth in this declaration and, if called as a witness, I could and would competently testify to them.

2. Emblem and ConnectiCare offer various health care plans, including plans providing prescription drug coverage, for which they directly fund the benefits and pay eligible claims on behalf of enrolled members. For these plans, Emblem and ConnectiCare are the parties “at risk,” meaning that they absorbs the cost of the product or service they are covering, net of the consumer’s cost share.

3. Emblem and ConnectiCare use a Pharmacy Benefit Manager (“PBM”) to adjudicate prescription drug claims as they are submitted from pharmacies to determine eligibility, the allowable costs, and the division of the drug price between Emblem and

ConnectiCare and the insured consumer. Emblem and ConnectiCare maintain a detailed electronic database that stores transactional information generated by its PBM for each prescription drug claim submitted. The information recorded includes, among other things:

- A. Identification of the specific plan providing coverage;
- B. Date the prescription was filled;
- C. Whether the drug was dispensed via mail order or at a retail pharmacy;
- D. Identification and state location of the pharmacy that dispensed the drug;
- E. Identification of the Member for whom the prescription was filled
- F. State residence of the covered Member
- G. Precise drug, dosage strength, and quantity dispensed, including the National Drug Code universally applied to identify the product
- H. Exact ingredient (product) cost paid to the pharmacy for the prescription
- I. Division of the ingredient cost between the portion paid by the consumer and the portion paid by Emblem or ConnectiCare.

4. The claims adjudication process undertaken by the PBM automatically accesses individual enrollment data to confirm that the consumer for whom the drug is prescribed is currently covered by the plan. In addition to unique Member IDs, the enrollment data includes full name, date of birth, sex, and address of the enrolled person. The claims adjudication process also automatically accesses the plan's "formulary" to determine if the specific drug is covered, if so at what "tier" or benefit level. The benefit design specific to the plan is applied to determine how much the enrolled Member must contribute toward the drug's cost, including any unsatisfied deductible for the year.

5. Emblem and ConnectiCare also provide administrative services for plan sponsors that choose to fund their own prescription drug benefits rather than purchasing insurance. These are known in the industry as Administrative Services Only ("ASO") contracts. In these arrangements Emblem and ConnectiCare receive a fee for its services rather than bearing the cost of drug purchases. In its internal and regulatory financial reporting, Emblem and ConnectiCare

distinguish between their “Fee” (ASO) and “At-Risk” (insured) revenue. Emblem and ConnectiCare separately bill each ASO client for the prescription drug claims paid on their behalf. For their ASO customer plans, Emblem and ConnectiCare electronically maintain a record of the plan sponsor’s identity together with billing contact information.

6. Emblem and ConnectiCare set up their PBM accounts so that the claims for each ASO customer are automatically separately identified in the PBM data. Emblem and ConnectiCare use this information to bill each ASO client for the claims of that client’s members or employees using the Account and Group ID fields and to provide auditable records for ASO clients if needed, within the terms of their contracts.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 27<sup>th</sup> day of October, 2021, at New York, New York.

A handwritten signature in dark ink, appearing to read "Margaret C. Finn", is written over a light gray rectangular background.

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Margaret Finn